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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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Legislative Update

Legislation Introduced

Government Operations

Jury Duty (H.3683). This bill would make changes in the schedule of when jurors are picked and called, and also allows certain exemptions on repeated service.

At present the jury names are drawn between ten and thirty-five days before the term of court; this bill would change that to at least twenty days before and up to forty-five days before court begins. Jurors would receive more notification of their calling: fifteen days instead of four.

Persons picked as qualified jurors will have their names put aside so that no person serves more than once during two calendar years. A Person could claim this exemption only if he was "present in court at all times...regardless of whether he was picked to actually sit on a petit jury for the trial of a case..."

Alcoholic Licenses (H.3685, H.3691). Two bills dealing with licenses for alcohol moved quickly through the House last week. The first, H.3685, provides for more public knowledge that a license has been applied for. At present, applicants must publish a notice in the newspaper. This bill would require that they also post a sign (two feet by two feet) at the proposed site where the alcohol will be sold. The bill was amended so that the sign must be legible from the street. Beer, ale and wine are also included, as well as liquor.

H.3691 related to the denial of an applicant because of geographical location. The Alcoholic Beverage Control Commission would be authorized to consider the distance a proposed site is from schools, residences and churches and could deny a license on that basis alone.

Ratings for Movies and Videos (H.3684). This bill attempts to put some controls on the films, movies and videos sold and rented in South Carolina.

First, the bill would require that all movies and videos be rated, for example, "G," "PG," "R," and "X." (These ratings were established by the Motion Picture Association of America, and are in general use throughout the country. "R" and "X" ratings are given to films which have a great deal of violence or sexual content.)

Second, the bill would make it illegal to rent, sell or offer to rent or sell an "X" or "R" rated video or movie to a person under eighteen.

Finally, it would be illegal to mislabel a video or film—for example, slipping through an "X" rated video as a "PG."

Each of these offenses would be punishable for a fine of up to \$200 or a jail term of 30 days. A person could be culpable of any of these individually or of a combination of them.

Martin Luther King Birthday (H.3693). This bill would delete January 15, Martin Luther King's Birthday, from the optional holidays for state workers. Another bill has recently been introduced (H.3392) which would make Dr. King's birthday a regular holiday for state employees.

Health

Emergency Mental Health Admissions (H.3686). This bill would restructure the way in which persons are admitted to mental health facilities for emergency treatment.

First, persons could be admitted to facilities licensed by the Department of Health and Environmental Control or by the Department of Mental health. Reason for admission: a doctor's belief that the person is "mentally ill and because of his condition is likely to cause serious harm to himself or others."

The bill goes on to say that before emergency admission, the person must be evaluated. The evaluation would be done by the mental health center in the person's county. After the evaluation, the person may be processed in one of the following ways:

- 1) Admitted for in-patient emergency psychiatric services;
- 2) Admitted to a general hospital or clinic for treatment of a medical condition connected with the mental symptoms;
- 3) Admitted to a drug/alcohol detoxification treatment program;
- 4) Released pending a judicial decision on commitment.

If the person is not admitted on an in-patient basis, a report must be sent to the Probate Court for judicial proceedings.

If the person is admitted to a facility for emergency treatment, information also goes to the Probate Court within 48 hours of the action. In addition, the facility must notify the community mental health center of the person's county.

The Department of Mental Health is directed to phase in the necessary resources and programs to conduct these emergency commitment procedures. A three-year phase-in period is provided as follows:

- 1) During the first year, 24-hour answering services and "face-to-face intervention capabilities" must be put in state-wide.
- 2) During the second year, intensive care and intensive care case management must be implemented.
- 3) During the third year, short-term holding units and short-term stabilization capabilities must be on hand.

Education & Employment

Public Colleges Exempt from 2% Cut (H.3690). When the Budget and Control Board was faced with an unexpected revenue shortfall late in 1985, it ordered a two percent across-the-board cut for all state agencies. This bill would specifically exempt the state's public four-year colleges and universities from this cut.

Supporters of the move point out that the cut of state funds could have adverse effects by leading to a drop in grant awards and other monies. Additionally, the growing emphasis of research and education as a "selling point" for South Carolina means that educational institutions must be strong and competitive. Opponents, on the other hand, say that fairness requires that all agencies take equal cuts during these tough times.

Employment Revitalization Act (H.3701). This bill is substantially the same as H.3496, which was introduced earlier this session. There is also a companion Senate bill, S.1030. The essence of all three pieces of legislation is to consolidate the various job/vocational/technical training and education programs in the State.

Currently, training, re-training, technical and vocational education efforts in South Carolina are conducted by a number of different state agencies and organizations, including the Governor's

Office. The Employment Revitalization Act would place responsibility for adult basic and secondary education with the State Board of Education, and all other vocational/technical training and education with the State Board for Technical and Comprehensive Education.

The TEC Board would be increased from eight members to ten members; one of the new members would have to have experience in secondary vocational schools, while the other member would have to have experience in federal job training programs. Term of the members would be six years, although the secondary vocational expert would have an initial term of three years.

The State Council on Vocational and Technical Education would double as the State Occupational Training Advisory Committee (SOTAC) and would make recommendations to achieve the following goals:

- 1) Improved coordination among the various state plans for adult vocational education, post-secondary education, and post secondary technical education.
- 2) Making these plans compatible with state economic development strategies.
- 3) Improving "articulation" between secondary vocational centers and post-secondary technical centers, and between the tec schools and the four-year degree schools.
- 4) Improving service to unserved and underserved groups.
- 5) Improving accountability systems and effectiveness.
- 6) Making continued improvements in the Employment Revitalization Act itself.

The TEC Board would coordinate its plans with the following groups: Economic Development Coordinating Council, State Council on Vocational-Technical Education, Commission on Higher Education, State Department of Education, and the Employment Security Commission.

In addition to the powers and responsibilities the Board has now, it would receive authority to administer federal funds for job training programs for special target groups and the general population. The prime example of these programs would be the Jobs Training Partnership Act (JTPA) funded operations, now part of the Governor's Office, and amounting to around \$40 million per year.

The bill also provides for the Private Job training Review Committee to give advice on plans for short-term and innovative training. This training would be available for displaced workers and farmers; for upgrading present employees to handle changes in

their jobs; and to train the unemployed. There would be seven members, three appointed by the Governor, two by the State Board of Education and two by the TEC Board. Staff would come from the Department of Education and TEC Board.

An area occupational training advisory committee would be created in each service area now covered by a Technical College. The area committees would increase coordination, articulation and effectiveness, by seeing that the area TEC Commission and local school boards enter into a memorandum of agreement.

In this memorandum, local TEC Commissions and school boards would have to show how they would work together. After one year each area occupational advisory committee would make a report to the State Committee, indicating progress at coordination between local TEC Commissions and local school boards. These memoranda of agreement would be regularly reviewed every two years by the State Committee.

The State Board of Education retains control over licensed practical nursing programs and twelve-month vocational agriculture programs.

Finally, any state agency offering vocational, technical, occupational or adult basic and secondary programs would have to include the following in its annual report:

- 1) Summary of students served per year and cost per student.
- 2) Completion and placement rate.
- 3) Number of new programs stated and projected future job opportunities.
- 4) Number of programs discontinued.
- 5) How effective coordination efforts were.
- 6) How effective "articulation efforts" were.
- 7) How the programs offered coordinated with local and state-wide economic development efforts.
- 8) How well previously unserved or underserved groups or areas were brought into the program.

Given second reading on March 26, and with unanimous consent, third reading for March 31.

What South Carolinians Do For a Living

Where do people in South Carolina work? What jobs do they hold, and how much do they get paid for them? This is the sort of information which the Bureau of the Census looks for during its quadrennial head-count, and the answers can be revealing.

Employment can be divided into the public and private sectors. Public sector employment—primarily government—is undoubtedly important, but the private sector is where the economy is really fueled. Improvements here—in job opportunities, in payroll increases and so forth—are essential for continued prosperity. In some ways the most recent information for South Carolina is mixed.

According to information published in the *Newsletter* of the Division of Research and Statistical Services (Budget and Control Board), recent years saw a drop in employment but a rise in payroll in private sector employment in our state.

From 1982 to 1983, 14,489 fewer South Carolinians were working in the private sector. However, the annual payroll for that period rose from \$13,076,580,000 to \$13,925,136,000—an increase of \$8,485,560,000.

The table below gives the breakdown of employees and annual payroll for the time period studied. The work force is divided up into "major industry groups," according to standard census procedures. Annual payroll figures are given in thousands of dollars.

Major Industry Group	1982		1983	
	Employees	Payroll	Employees	Payroll
Agriculture, Forestry				
Fisheries	4,582	52,033	4,303	52,891
Mining	1,550	24,243	1,635	29,452
Contract Construction	101,575	1,906,397	95,042	1,789,545
Manufacturing	377,065	5,598,888	358,506	6,045,006
Wholesale Trade	47,437	752,519	46,482	789,401
Retail Trade	178,075	1,450,566	178,622	1,576,074
Finance, Insurance				
Real Estate	47,371	699,439	48,566	763,365
Services	161,850	1,791,860	168,381	1,971,630
Transportation,				
Public Utilities	40,796	784,633	41,338	835,498
Nonclassified	1,072	16,002	4,009	72,274
TOTAL	961,373	\$13,076,580	946,884	\$13,925,136

Colleges And University Boards: Contested Seats

One of the duties of the General Assembly is to elect the members who serve on the Boards of Trustees of the various state colleges and universities. Once again, selection time is coming up.

Elections have been set for April 16, 1986, for the Boards of U.S.C., Clemson, M.U.S.C., Winthrop, S.C. State and the Citadel. There are contested seats in four institutions: Clemson, South Carolina State, Winthrop, and the University's Fifth Congressional District Seat.

For the contested elections, *Legislative Update* presents a short summary of the candidates, and something of their background. More extensive information can be found in the transcripts and statements of the candidates; this information is printed in the *House Journal* for Wednesday, March 26 (No. 43).

Clemson

There are three seats vacant on the Clemson Board, and six candidates.

Bill L. Amick is currently on the Board, having served for three years. Mr. Amick describes himself as "an active agriculturist. That's a fancy way of saying that I'm a full-time chicken farmer."

John J. Britton, M.D., is also a member of the Board at this time; he has served for the past four years.

William N. Geiger, Jr. another sitting Board member, was first elected to the position in 1977. He is a 1957 graduate of Clemson. He is Chairman of GMK Associates, an architectural firm.

B. Marion Smith, another Clemson graduate (1954) is currently Senior Vice President of Corporate and Industrial Development with SCE&G. He has also served as Governmental Representative and Agricultural Engineer for the company. Before joining SCE&G he was a farmer in Edgefield.

Charlie E. Till is from Williams, which he describes as being "near Walterboro." He is a Clemson graduate ('44) and has taught school, farmed, and worked with the McLean Trucking company.

Allen P. Wood is from Florence. He is currently serving on the Architectural Examining Board, but has stated that if elected to the Clemson Board of Trustees he will resign his present position.

South Carolina State College

S.C. State has three seats vacant on its Board; there are nine candidates.

George A. Anderson is Executive Director of the Aiken/Barnwell Counties Community Action Commission, a post he has held since 1966. He is also a practicing attorney in Aiken. He attended South Carolina State between 1958 and 1965.

Henry W. Brevard earned his MA from S.C. State in 1960, his Master's from there in 1969, and expects to receive his Doctorate in Education in 1986. He is currently on the Town Council of Moncks Corner, but has stated that he will resign that position if elected to the State Board.

Jacqueline C. Gilmore is an incumbent on the Board, and has served six years. She has two degrees from S.C. State, and is Assistant Principal at Whitlock Junior High School.

Edward C. Keith, M.D. of Manning, is a graduate of S.C. State and the Tulane University Medical School. He has been on the faculty of the LSU School of Medicine.

Barry Naylor is an attorney, and also has a computer company, NAYCO Computer Systems. He is a graduate of S.C. State and the Law School of the University of South Carolina. He served on the State Board during 1973-74.

James A. Paschal, Ed.D. received his doctorate from the University of South Carolina; his MA is from Fort Valley State (Fort Valley, Georgia); and his BA from Xavier (New Orleans). He has been a teacher, librarian, school social worker and Dean of Students at Benedict College in Columbia. He is currently with the staff of the Commission on Higher Education.

Lathan E. Turner of Ninety Six received his BA from South Carolina State in 1980 and his Masters of Education from the College in 1982. He is currently admissions counselor for Piedmont Technical College in Greenwood.

James Ulmer, III is a graduate of South Carolina State. At present he is Vocational Agriculture and Pre-vocation teacher at Holly Hill-Roberts High School, in Holly Hill, South Carolina.

Charles H. Williams lives in Orangeburg, where he has been an attorney for the past ten years. He received his BA and Law Degree from the University of South Carolina.

University of South Carolina

Eight seats are up for election on the University Board, with a contest in one district. For the seat for the Fifth Judicial Circuit on the U.S.C. Board there are three candidates.

William S. Hiatt works with the Motorola Company; before that he was with Texas Instruments. He attended the U.S. Naval Academy, received his BA from Southern Methodist University and his Master's from Rawlings College in Florida.

William C. Hubbard was a Solomon Blatt Carolina Scholar at the University, and graduated *magna cum laude*. He also has a Law Degree from U.S.C., and is a partner in the firm of Nelson, Mullins, Greer and Scarborough.

Dorothy Ryall is a graduate of U.S.C. with a degree in Education. She is very active in community and cultural affairs in the Columbia area, including organizing the "Spoleto in the Midlands" festival.

Winthrop College

There are two seats vacant on the Winthrop College Board, and three candidates seeking a position.

E.S. "Gene" Gatlin has a Ph.D. from the University of South Carolina. A professional educator, Dr. Gatlin has taught in the public school system and, for the past seventeen years, at Midlands Technical College. He has served as Chairman of the Faculty Committee System, and the English Department.

Robert C. Lake, Jr. is an attorney with almost forty years experience. He served before on the Winthrop College Board for five years. He is probably best known around the State House as "Senator," since he was in the upper chamber for sixteen years.

Mary Sue B. McElveen is currently Chairman of the Winthrop Board of Trustees; she has served on the Board for sixteen years, and for ten of those years was chair of one of the two standing committees of the Board. She has served for five years as Trustee representative on the Winthrop Foundation. Prior to her Board tenure she was a member of the Executive Board of the Winthrop Alumni Association for twelve years.

Editorials Address Legislative Issues

Background

Ted Williams, the Red Sox nonpareil, never got on well with the press, and often referred ironically to reporters as "knights of the keyboards." For their part, the newspapers were frequently critical of Williams, despite the fact that he ended with a lifetime .344 batting average, and was the last player to hit over .400 during a season. If the press jumps on a national hero like Ted Williams, what can you expect them to say about a state legislature?

Since this year's session of the General Assembly is about half over, *Legislative Update* reviewed the editorials published so far, to see what the palmetto press paladins have to say about progress at the State House.

Education

Several newspapers sounded the same note: the Legislature should leave EIA funding alone. The Laurens County *Advertiser* said that the Act was needed, and that "South Carolina must proceed with the plan as outlined in the landmark '84 law." The Marlboro *Herald-Advocate* agreed, saying that an educated and trainable work force was essential for economic development, and that "the Education Improvement Act is an important step to achieve that vital goal."

The Greenville press, however, cast a wary eye on lawmaker's dealings with the Act.

The Greenville *News* took the viewpoint that the EIA "should be held accountable on a year-by-year basis," and added, "But when the merits of a developing program are sound, lawmakers should view it as a long-term investment, rather than cut it as a short-term expediency."

The Greenville *Piedmont* also supported protecting education money—and left little doubt that protection was needed. "History offers no comfort," the *Piedmont* protested, "because traditionally the General Assembly has robbed educational coffers when other needs outdistanced tax dollars." The editorial went on to explain the cause of this coffer larceny: "In fact, the state's financial problems are linked to the lawmakers' horrid budget practice of routinely renewing old programs with no review of their effectiveness or continued need."

Apparently the *Piedmont* remains unaware that the budget practices which produce the General Appropriation bill go on literally year-round, with intensive work by the House Ways and Means Committee in the autumn preceeding the start of the session in January. In addition, the process is being tightened, with even stricter reviews of agency operations and requests being implemented.

Lotteries and Democracy

Failure of the Senate to pass a bill providing for a referendum on a state lottery aroused alarm in editorial offices across the state. The general thrust was that the Legislature should let the voters decide this issue.

The *Augusta Chronicle* supported a lottery: "One source [of revenue] out there for the taking, if lawmakers just had the courage and good sense to go for it, is a state lottery." If the *Chronicle* had its way, "The contentious issue of whether to have a lottery should be decided the American way--by the voters....Lottery foes should remember ours is not a paternalistic country. Some people vote--and spend their money--in ways that others of us disapprove. That's what freedom and this republic are all about."

Elsewhere in this republic, the *Florence Morning News* was opposed to the lottery, but in favor of a referendum. "Up front," the *News* declared, "let it be said that gambling is a shabby business for the state to even think about getting into." That said, the *News* fumed because the Senate had shelved the referendum proposal: "Most galling of all is the attitude among some legislators that the people can't be trusted to express themselves on such an issue."

The *Barnwell People-Sentinel* also favored a popular vote on the issue. Let there be debate, it said, "then the people who have to pay the taxes in South Carolina could have their say in a referendum."

Finally, the *Gaffney Ledger* appealed to the noble rhetoric of Abraham Lincoln in its editorial on the issue: "Let us make it clear," the *Ledger* explained, "we are not endorsing a lottery. We are simply concerned that some legislators don't want to give the people an opportunity to decide the issue. It makes us wonder what happened to our 'government of the people, for the people, and by the people.'"

Annexation

The issue of annexation reform was addressed by several papers, with most being in favor of the proposed legislation.

The Florence *Morning-News* endorsed the proposal, saying that "South Carolina cities are unduly handicapped by one of the most restrictive annexation laws in the country." The Greenville *News-Piedmont* editorialized that "it simply makes no sense for the state to hem its cities in. They are indispensable. It is no accident that the state's most prosperous areas are in and around cities and towns."

An opposing viewpoint came from the Lexington *Dispatch News*. In a brief screed titled "The city builders are at it again," the *Dispatch News* make it clear it was against both easier annexation and cities. "Would you rather live in Lexington, West Columbia, or Irmo, where chances are you know the mayor and the council and can give them what-for when needed? Or would you prefer to live in Charlotte where your council member is but one voice among many and government largely ignores your needs?" (The *Dispatch News* believes in the "Have you stopped beating your wife?" brand of editorials.)

Speaking of annexation reform, the Lexington paper said, "It's time someone said no to this nonsense." It concluded: "Only in the Never Never Land do great cities exist. Give us a small town any day."

Crime and Punishment

The Omnibus Crime Bill was generally supported in newspaper editorials. The main reason for support: prison overcrowding and the need to do something about it.

The Laurens County *Advertiser* said: "Prison overcrowding is no well-kept secret. And if South Carolina doesn't try something creative like the governor's proposed legislation, taxpayers are looking at funding the construction costs of several new prison complexes."

The Beaufort *Gazette* agreed. "It seems that too many lawmakers are paying attention to the portion of the population that would have the courts lock up criminals and throw away the key without paying attention to what it is doing to the long-term prison population." The *Gazette* supported alternative forms of sentencing for non-violent offenders. "Other states, Texas in particular, have made good use of community service work such as litter collection and park maintenance performed by this classification of offenders."

Then the paper added, "South Carolina won't become part of the more enlightened states, however, until we get past the basics included in the Omnibus Crime bill. In the meantime, the courts will continue to breathe down our necks, just a step ahead of the tax collector who wants citizens to ante up for bigger and more expensive prisons to house several classifications of criminals. That is unfortunate."

On a related issue, two papers came out in support of the government fraud hot-line passed by the House. The *Augusta Herald* said the move was "the kind of investment that Ben Franklin would applaud." The *Charleston Evening Post* agreed: "State government has grown so much in recent years—with a corresponding growth in contract business—that the regular watchdogs probably are unable to watch as closely (or widely) as they once did. Making a toll-free hotline available to those who have information about fraud, waste or other illegal doings seems a practical way to protect tax money."

The Chamber Lawsuit

Comment has been scarce on the lawsuit lodged by the State Chamber over alleged "unconstitutional" amendments to the appropriation bill.

The *Charleston Evening Post* called upon lawmakers to "Unload the Budget" and said, "There's every reason to believe the legislators will load down this year's budget with as many illegal amendments as they have in years past." Of course, it should be pointed out that the amendments are "illegal" only in the eyes of the *Post*, since the issue has not been decided by the courts.

On that matter, the *Post* also lays into the legislature: "But rather than being eager to get some guidelines from the court on just what is and isn't germane to the budget, the legislative leadership has dug in its heels. Every possible delaying tactic has been used to stall the suit, including an appeal now pending before the state Supreme Court on whether the group of citizens who filed the suit has the right to challenge the budget process."

The "delaying tactics" referred to by the *Post* are, of course, the established legal procedures which are required in a court case such as this. In particular, there is question if the Chamber members have the right to lodge this suit. In legal terms, plaintiffs must establish that they have "standing" to file a suit. Without this process, anyone and everyone could sue and be sued, and there would be no end to frivolous lawsuits. A person could sue the General Assembly, not because of actual injury, but simply out of dislike for a particular piece of legislation. No doubt the *Post* agrees that situation would be intolerable.

This, That and the Other

The *Greenville News* opposed granting subpoena powers to county councils, calling it "a dangerous piece of legislation." The *News* rejected the argument that "if a county council has taxing responsibility, it also should have the appropriate resources for getting necessary budgetary information." Instead, the paper said, let conflicts between councils and agency and department heads be settled by the voters.

The other Greenville paper, the *Piedmont*, addressed the issue of public smoking laws. "Generally, in matters involving personal choice, the state should tread softly, acting, if it acts at all, to strengthen the rights of individuals to choose their own standards of behavior. And surely the state should do nothing to deprive smokers of their chance to smoke." The paper concluded, "But there is a legitimate matter of public health involved in the issue of whether smoking in public should be restricted. Because of that, the proposed legislation deserves full public debate on the floors of the Legislature."

Concerning elections, two papers had comments to make. The *Rock Hill Evening Herald* called for stronger election laws, especially for financial disclosure. The revelations about campaign contributions should come before elections, not after, the *Herald* said, and pending proposals "deserve immediate attention so a stronger law can be applied to this year's election."

Meanwhile, the *Chester News and Reporter* hailed the measure that opens polls for longer hours, and commented: "The change is a good one and we hope it helps build public participation in the election process."

Risky Business?

The *Charleston Evening Post* took a firm stand on what it termed "Giveaway" bills--legislation that would alter relations between the state and private industry. "One revision actually would define economic development as a 'public purpose.' In other words, government would be given the green light to spend public money to help a private industry." The *Post* is against this. "It gets worse," the paper continues. "If the proposed changes are pushed through, the concept of fair market value for state properties would go out the window. Instead, state government actually would be allowed to donate property to private interests if there were a provable public purpose. Don't forget, 'public purpose' would be redefined to include economic development. In other words, the state could give land to a new industry if, seemingly, it would be a boon to the economy. Giving politicians that kind of latitude is risky business." No risky business for the *Post*.

Nor for the *Press and Banner* in Abbeville. Reviewing the proposals to set state-wide, standard pay scales for sheriffs and probate judges, the paper said: "This is not the time to even consider salary increases." It added: "Too, the state legislature oversteps its own responsibility when it mandates such adjustments without providing the funds necessary to underwrite its actions....The citizens of South Carolina are facing a catastrophe

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[sic] that can destroy the financial integrity of the state government and the county governments. We would hope the people of South Carolina possess the backbone necessary to make their views heard and the strength to force its [sic] elected members of the legislature to act responsibly."

Conclusion

The first time Ted Williams came to bat in the major leagues, he hit a home run; the last time he stepped to the plate he rounded off his professional career by stroking one last home run. Williams had a total of 521 homers during his career in the majors. Still, there were those who preferred to point to his 709 strikeouts, and complain.

Perhaps there's something in that to think about, as the baseball season gets ready to start—and the legislative season is just about half over.